

HOUSE BILL NO. 241

INTRODUCED BY WANZENRIED

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING AN EXECUTIVE BRANCH REORGANIZATION COMMISSION TO STUDY ORGANIZATIONAL RELATIONSHIPS AND PROGRAM STRUCTURE AND RECOMMEND IMPROVEMENTS; PROVIDING FOR THE POWERS, DUTIES, AND COMPENSATION OF THE COMMISSION; REQUIRING ACCESS TO PUBLIC RECORDS; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Executive branch reorganization commission created -- compensation -- duties. (1) There is an executive branch reorganization commission. The commission consists of the following members:

(a) the LIEUTENANT governor;

(b) four members of the house of representatives, to be appointed by the speaker of the house, no more than two of whom may be from the same political party; and

(c) four members of the senate, to be appointed by the committee on committees, no more than two of whom may be from the same political party.

(2) A vacancy occurring on the commission must be filled by the appointing authority, subject to the requirements of this section.

(3) The LIEUTENANT governor is the presiding officer of the commission. The commission may elect a vice presiding officer.

(4) The commission shall meet at least quarterly. The LIEUTENANT governor may call additional commission meetings as the LIEUTENANT governor determines necessary to carry out the work of the commission.

(5) Legislative members must be compensated and reimbursed, as provided in 5-2-301 and 5-2-302, for their expenses incurred in carrying out the work of the commission. The LIEUTENANT governor must be compensated and reimbursed as provided by law for expenses in carrying out the work of the commission.

~~(6) The governor shall, subject to approval by the commission, appoint an executive director of the~~

~~commission and determine the compensation of the executive director.~~

~~(7)(6)~~ The commission may adopt policies and procedures governing commission meetings and outlining the duties of the ~~executive director and other~~ commission AND staff.

~~(8)(7)~~ The commission shall:

(A) REVIEW PROPOSALS TO IMPROVE THE EFFICIENCIES OF EXECUTIVE BRANCH OPERATIONS AND TO RECOMMEND THE PROMPT IMPLEMENTATION OF THOSE PROPOSALS THAT DO NOT REQUIRE LEGISLATIVE APPROVAL;

~~(a)(B)~~ examine the organizational relationships and program structures of executive branch agencies;

~~(b)(C)~~ consider Article VI, section 7, of the Montana constitution, 2-15-104, and other relevant provisions of law;

~~(c)(D)~~ identify where organizational relationships and program structures may be improved; and

~~(d)(E)~~ report its findings and recommendations, including any legislation, to the 60th legislature, in the manner provided by 5-11-210, no later than September 1, 2006.

~~(9)(8)~~ The commission may take public testimony.

~~(10)(9)~~ The commission is attached to the governor's office for administrative purposes only, as provided in 2-15-121.

(10) THE GOVERNOR'S OFFICE OF BUDGET AND PROGRAM PLANNING SHALL PROVIDE THE STAFF RESOURCES NECESSARY FOR THE COMMISSION TO PERFORM ITS FUNCTIONS.

~~NEW SECTION. Section 2. Duties of executive director. The executive director of the executive branch reorganization commission shall:~~

~~(1) make a detailed and thorough study of the organization of the executive branch of state government and the manner in which the executive branch may be reorganized to improve the organization and structure of state agencies but still comply with the requirements of Article VI, section 7, of the Montana constitution;~~

~~(2) prepare draft legislation and a written report for the commission;~~

~~(3) give notice of the meetings of the commission to the members of the commission and to the public;~~

~~(4) subject to approval by the commission, hire necessary staff and fix the compensation of the staff;~~

~~(5) direct the work of the commission staff; and~~

~~(6) take other action as directed by the commission.~~

NEW SECTION. Section 2. Access to public records -- cooperation required. The members of the

1 executive branch reorganization commission, ~~the executive director~~, and ~~other~~ commission staff may, for the
2 purposes of the study required by ~~[sections 1 through 3]~~ [SECTION 1] AND THIS SECTION, have access to any public
3 record, as defined in 2-6-202, held by the executive branch of state government, except records constitutionally
4 protected from disclosure. The director and the employees of each agency of the executive branch shall
5 cooperate with the commission and its staff and furnish to the commission and its staff any public record or other
6 public information held by the agency and considered necessary by the commission or its staff for the work of
7 the commission. Employees of the legislative and judicial branches of state government shall also cooperate
8 with the commission and its staff to the extent allowed by law.

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10 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2005.

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12 NEW SECTION. **Section 4. Termination.** [This act] terminates December 31, 2006.

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